



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,933	07/23/1999	AKIHIRO KOHNO	35.G2429	2145

5514 7590 12/04/2001

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LE, VU

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,933

Applicant(s)

KOHNO ET AL.

Examiner

Vu Le

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other:

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on the applications filed in the U.S. on July 23, 1999. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3, 5, 8, 10, 12, 15, 17, 19, 22, 24, 26 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Yonezawa et al., US ^{6,271,805}~~5621429~~.

Re claims 1, 8, 15 and 22, Yonezawa discloses the same communication apparatus and method (fig. 1) comprising reception means for receiving images from a plurality of communications terminals (60, fig. 1, fig. 2); output means for outputting the images...to display ...as multiple images (fig. 3, col. 4, line 18-26, line 58 to col. 5, line 13, fig. 6, col. 5, line 14 to col. 6, line 40, col. 7, line 66 to col. 8, line 10); assigning means for assigning an arbitrary image..., and control means for controlling a state of outputting the assigned image (col. 5, line 38 to col. 6, line 6); notification means for grasping and notifying a state of reception...(col. 4, line 36-57, col. 6, line 58-65).

Art Unit: 2613

Re claims 3, 10, 17 and 24, Yonezawa discloses the same as claimed (col. 6, line 53-65).

Re claims 5, 12, 19 and 26, Yonezawa discloses the same as claimed (col. 6, line 53 to col. 7, line 6).

Re claims 29-30, the limitations of claims 29-30 are the same as claims 1, 8, 15 and 22 except for that the communication apparatus and method may be implemented via a software program. Thus, the grounds for rejecting claims 1, 8, 15 and 22 in view of Yonezawa apply here. As for the software program implementation, it is evidenced in Yonezawa et al. that the system and method have software implementations (e.g., see fig. 15 and its respective disclosure).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 6, 9, 11, 13, 16, 18, 20-21, 25, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa et al in view of Yamaashi et al, US 5621429.

Re claims 2, 4, 6, 9, 11, 13, 16, 18, 20-21, 25, 27-28, Yonezawa discloses substantially the same as claimed except for specifying the state of reception as information relating to a frame rate, having the notification means changes display

Art Unit: 2613

information in accordance with a frame rate, wherein the notification means does not perform notification when the frame rate is high, only when the frame rate is reduced.

On the other hand, Yamaashi et al. teaches keeping track of the state of received image data in accordance to frame rate i.e., bandwidth capacity, and changes the display information in accordance to the bandwidth capacity. Yamaashi et al. also teaches notifying and changing the display information in accordance to high and low priority of image area interests. This functionality is equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed. (See Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11, line 47-61).

Having the combined teaching of Yonezawa and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of Yonezawa to include frame rate as one of the criteria for monitoring the reception state, and to have the modified system notifies and changes the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in bandwidth capacity and also flexibility in changing display states of image information.

6. Claims 7, 14, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa et al.

Re claims 7, 14, 21 and 28, Yonezawa et al. fails to disclose performing notification by one of flashing an icon, display of character information, and display of numerals as claimed. In contrast, Yonezawa et al. teaches performing notification by

Art Unit: 2613

changing the color of an icon (col. 12, line 8-18). Despite the difference, it is viewed that such difference is merely an obvious design preference to achieve a desirable effect, but all would have served similar end result of a notification means.

Contacts

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Vu Le whose telephone number is (703) 308-6613. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700 or Customer Service whose number is (703) 308-6789.

Very Important!

The fax number for submitting all Official communications is (703) 872-9314.

The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-6867.


VU LE
PRIMARY EXAMINER